IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 3430/2005

(Laxmi Narayan & Anr. Vs. State of Rajasthan & Ors.)

Date of Order : 28/05/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. M.Mridul Senior Advocate with Mr. R.N. Upadhyay for the petitioners.
Mr. S.M.Toshniwal on behalf of
Mr. N.M.Lodha, Addl. Advocate General for respondents.

BY THE COURT:-

A joint writ petition has been filed by the two persons.

Heard learned counsel for the parties.

The petitioners have challenged the notices dated 7.5.2005, and 17.5.2005 issued to the petitioners by the Chief Executive Officer, Zila Parishad, Jalore requiring them to show whether the petitioners were the intervenor before the Hon'ble Supreme Court in SLP No. 10778-81/2001.

It appears that the petitioners have their own cause and it cannot be said that it is a same cause because the

petitioners claim to be appointed on the post of Teacher Gr.III on their statement to the authorities that they were intervenor in the aforesaid SLP before Hon'ble the Supreme Court. Vide the notices impugned, the petitioners have been called upon to place on record the documents showing that they were intervenor before Hon'ble Supreme Court in the said SLP. Instead of showing the documents to the authorities in response to the show cause notices, the petitioners have filed the instant writ petition. In my view, firstly a joint writ petition is not maintainable as there is no same cause and the petitioners have different cause seeking appointment on the post of Teacher Gr.III and secondly the writ petition is against the notices. It is always open for the petitioners to show the authorities by filing the documents that they were intervenor in the SLP. No adverse order has been passed. It is only the petitioners who are to satisfy the authorities concerned by filing the documents that they were intervenor. In the circumstances, therefore, no case for interference under Article 226 of the Constitution of India is made out.

In Union of India and Anr. Vs. Kunisetty Satyanarayana, 2007 AIR SCW, 607, the Hon'ble Supreme Court held that ordinarily no writ lies against a charge-sheet or show cause notice. The reason why ordinarily a writ petition should not be entertained against a mere show cause notice or charge-

sheet is that at that stage the writ petition may be held to be premature. A mere charge-sheet or show cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show cause notice or after holding an enquiry the authority concerned may drop the proceedings and/or hold that the charges are not established. It is well settled that a writ lies when some right of any party is infringed. A mere show cause notice or charge-sheet does not infringe the right of any one.

In view of the aforesaid, the writ petition is dismissed. However, the petitioners are at liberty to file the relevant documents sought by the respondents showing that they were the intervenor before Hon'ble Supreme Court in the aforesaid SLP within one month from today and till then, if the services of the petitioners have not been terminated, then their services shall not be terminated for a period of 30 days. The stay petition also stands dismissed. No order as to costs.

(H.R.PANWAR),J.

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